

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

February 8, 2018
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Ms. Jennifer Ruby, Chairperson
Mr. Nathan Andersen, Vice Chairman
Mr. Bruce Burrows
Mr. B.J. Copeland (telephonically)
Mr. Broc Hiatt
Mr. Jimmy Lindblom

MEMBERS ABSENT:

Mr. Greg Arnett
Mr. Michael Cowley

STAFF PRESENT:

Mr. Darren Gerard, Planning Deputy Director
Ms. Rachel Applegate, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney

CONTINUANCE:

Z2016095, Z2017083, Z2017051

CONSENT:

S2015001, Z2017098, Z2018002

REGULAR:

Z2017103

Meeting called to order at 9:35 a.m.

Chairperson Ruby asked if there were any changes or comments to the December 14 minutes, none.

COMMISSION ACTION: Chairperson Ruby approved the December 14, 2017 minutes as written.

CONTINUANCE AGENDA

Zoning - Z2016095 (Cont. from 1/11/18)

District 5

Applicant:	Marcelino Hernandez
Location:	Generally located at the southwest corner of 67th Ave. & Lower Buckeye Rd. in the Santa Maria area
Request:	Zone change from Rural-43 to C-2 CUPD – Hot Dogs El Guero

Special Use Permit - Z2017083 (Cont. from 1/11/18)**District 5**

Applicant: Jeff Stephens, Searer, Robbins, & Stephens
Location: Generally located about 250' north of the northeast corner of Saddle Vista Rd. and Mulberry Dr. alignment on the east side of Saddle Vista Rd. in the Tonopah area
Request: Special Use Permit (SUP) to allow a youth retreat center – Arizona FACTS of Life

Zoning - Z2017051 (Cont. from 1/25/18)**District 2**

Applicant: William F. Allison, Withey Morris, PLC
Location: Generally located at the northeast corner of Loop 202 and Warner Rd. in the Mesa area
Request: Rezone from Rural-43 to C-2 CUPD to allow a child daycare facility and off-site sign – Warner Rd. & 202/NEC Rezoning

Mr. Gerard presented the continuance agenda.

COMMISSION ACTION: Commissioner Hiatt motioned to continue indefinitely Z2016095, and to continue Z2017083 to March 8, 2018, and to continue Z2017051 to March 22, 2018. Commissioner Burrows second. Approved to continue 6-0.

Chairperson Ruby noted they are removing item #6 from the consent agenda to the regular agenda.

CONSENT AGENDA**Preliminary Plat - S2015001 (Cont. from 1/25/18)****District 4**

Applicant: Craig Smith, KSE Design Group PLC
Location: Generally located at the northwest corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area
Request: Preliminary Plat containing 173 residential lots and 9 tracts in the R1-6 RUPD PAD and R1-7 RUPD PAD zoning districts – Rancho Cabrillo Parcel H

Special Use Permit - Z2017098 (Cont. from 1/25/18)**District 4**

Applicant: William F. Allison, Withey Morris, PLC
Location: Generally located approximately at the southeast corner of Vulture Mine Rd. and Gold Nugget Ln. in the Wickenburg area
Request: Special Use Permit (SUP) for a Group Care Facility in the Rural-43 zoning district – Remuda Ranch

Z2018002 – Special Use Permit**District 2**

Applicant: Thomas Marchant
Location: Generally located approx. 305' west of the intersection of 164th St. and Rio Verde Dr. located on the south side of Rio Verde Dr. in the Rio Verde area

Request: Modification of Condition for Special Use Permit (SUP)
Z2012075 to extend timeframe for 10 years – Rio Verde
Foothills Temporary Fire Station #826

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Vice Chairman Andersen motioned to approve S2015001 with conditions 'a' – 'q', Z2017098 with conditions 'a' – 'k', and Z2018002 with conditions 'a' – 'n'. Commissioner Lindblom second. Approved 6-0.

S2015001 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Rancho Cabrillo Parcel H" consisting of 13 full-size sheets, dated stamped received January 10, 2018, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Rancho Cabrillo Parcel H", consisting of 28 pages, dated stamped received January 10, 2018, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Rancho Cabrillo – Parcel H", consisting of 5 pages, dated stamped received November 22, 2017, except as modified by the following conditions.
- d. The portion of Happy Valley Road (65' right-of-way half-width) adjacent to Parcel H must be dedicated prior to Final Plat approval or property ownership authorization of the parcel for this road extension shall be included with the Final Plat submittal.
- e. The following Engineering conditions shall apply:
 1. Building permits for the off-site retention basins for El Granada Half-Street Retention (B201708959, FP20170317) must be issued prior to the issuance of The Rancho Cabrillo Parcel H Subdivision Infrastructure Permit (B201602469, FP20160080).
 2. Building Permits for the Happy Valley Road and adjacent parcel's construction (B201707709, FCP2017091, TC201601032) must be issued prior to the issuance of the Rancho Cabrillo Parcel H Subdivision Infrastructure Permit (B201602469, FP20160080).
 3. FEMA has approved CLOMR. The effective LOMR must be published prior to the House Permits being finalized.
 4. Any construction within MCDOT Right-of-Way will require a MCDOT Right-of-Way Permit.

- f. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- g. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- h. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- i. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- j. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).
- k. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from North County Fire and Medical District. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- l. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- m. The applicant/property owner shall submit a 'will serve' letter from EPCOR for water & wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- n. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.

- o. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- p. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.
- q. Compliance with DMP2006009 & Z2006069 conditions/stipulations of approval.

Z2017098 conditions:

- a. Development of the site shall comply with the Site Plan/Survey entitled "55635 N. Vulture Mine Rd.", consisting of 3 full-size sheets, dated stamped received November 22, 2017 except as modified by the following conditions.
- b. Development of the site shall comply with the Narrative Report entitled, "Remuda Ranch at the Meadows", consisting of 17 pages, stamped received January 5, 2018 except as modified by the following conditions.
- c. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- d. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors on January 25, 2038, upon inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- e. The applicant/owner shall submit a written report outlining the status of the development at the end of 1 year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- f. The owner shall be responsible for paving the Gold Nugget Lane access easement (minimum of 20' width) for two way traffic adjacent to the subject site. This shall include speed bumps/humps for traffic calming. Remuda Ranch is responsible for maintenance of these improvements.
- g. The owner shall remove the un-permitted 'entrance signage' located on the northwest corner of the site and adjacent property to the north as detailed on the site plan.
- h. The Site Visibility Triangle requirements for the subject property as required with the Maricopa County Zoning Ordinance (MCZO) shall apply.

- i. The following Engineering condition shall apply:
 - 1. The narrative references the possible paving of Gold Nugget Lane. Any such paving would require a building (grading) permit from Maricopa County Planning and Development. A MCDOT permit would also be required if the paving were to extend into the Vulture Mine Road right-of-way.
- j. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Z2018002 conditions;

- a. Development of the site shall comply with the Site Plan entitled "Rural Metro Temporary Fire Station Special Use Permit", consisting of one (1) full-size sheet, dated revised December 11, 2012, and stamped received December 26, 2012 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Narrative Report", consisting of 7 pages, stamped received January 5, 2018, except as modified by the following conditions.
- c. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.
- d. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment

permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- g. The following Drainage Review conditions shall apply:
 - 1. Obtain a drainage waiver to permit no onsite retention, in-lieu of the regulatory requirement of 100-year 2-hour storm volume.
 - 2. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 - 3. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulations and design policies and standards.
- h. This Special Use Permit shall expire on March 7, 2028, or upon the expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- i. The applicant/owner shall submit a written report outlining the status of the development at the end of one (1) year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. Prior to occupying the existing guest house and garage or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain a Building Permit to retrofit the existing garage to meet current residential building code requirements as applicable.
- k. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- n. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval is temporary and allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions and stipulations. In the event of the failure to comply with any condition or stipulation, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions or stipulations, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

REGULAR AGENDA

Zoning - Z2017103 (Cont. from 1/25/18)

District 1

Applicant: Greg Loper & Rod Jarvis, Earl, Curley & Lagarde, PC
Location: Generally located approx. 630' northwest of the intersection of Germann Rd. and Lindsay Rd. on the west side of Lindsay Rd. in the Gilbert area
Request: Zone Change from Rural-43 to IND-2 IUPD – Lindsay Industrial Park

Mr. Gerard presented Z2017103, and noted staff recommends approval subject to conditions 'a' - 'h' but with an addition of stipulation 'i' that would state – “the property owner shall dedicate the ultimate 70' half-width right-of-way for Lindsay Road, and shall relocate any encroaching improvements upon request from the Town of Gilbert.” Mr. Gerard said he believes the applicant is amenable to the new stipulation.

Mr. Rod Jarvis, the applicant said one point of clarification since this is an Industrial Plan of Development (IUPD) we are establishing development guidelines and standards, and he has not had a chance to figure out if this will affect the front yard setback or not. He does not want a stipulation that changes the front yard setback, and they'll figure that out prior to the Board of Supervisors. If it does, they will work with staff and propose an

additional amendment at that time, so they aren't creating a legal non-conformity which would be a problem later on.

Chairperson Ruby asked if he is amenable to the stipulation as read. Mr. Jarvis said yes.

Chairperson Ruby asked if there is any citizen wanting to comment, and asked if the commissioners have any questions or comments. None.

COMMISSION ACTION: Commissioner Lindblom motioned to approve Z2017103 with conditions 'a' – 'h' with inclusion of condition 'i'. Vice Chairman Andersen second. Approved 6-0.

- a. Development of the site shall be in conformance with the Narrative Report entitled "Lindsay Industrial Park", consisting of 5 pages, stamped received December 7, 2017, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the site plan entitled "Lindsay Industrial Park" stamped received on January 11, 2018, except as modified by the following conditions.
- c. The following IND-2 IUPD standards shall apply:
 1. Rear yard: 0'
 2. Side yard setback: 0'
 3. Parking Screening: No Parking Screening requirement
- d. The IND-2 IUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- e. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the

event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- i. The property owner shall dedicate the ultimate 70' half-width right-of-way for Lindsay Road, and shall relocate any encroaching improvements upon request from the Town of Gilbert.

Chairperson Ruby adjourned the meeting at 9:42 a.m.

Prepared by Rosalie Pinney
Recording Secretary / Administrative Assistant
February 8, 2018